THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.16993 OF 1996

DATED: 12-09-2007

Between:

K. Narendra Goud

.. Petitioner

and

The Electronics Corporation of India Limited, Hyderabad, rep. by its Managing Director and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.16993 OF 1996

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ORDER:

This writ petition is filed being aggrieved by an award, dated 01.12.1995, made in I.D.No.350 of 1993, on the file of the 2nd respondent- Labour Court-III, Hyderabad.

The petitioner-workman filed a claim petition under Section 2-A (2) of the Industrial Disputes Act (for short 'the I.D. Act') before the Labour Court-III, Hyderabad, alleging that he was appointed as Helper in the 1st respondent Corporation on 19.11.1981 on daily wage basis and worked continuously upto 31.08.1982. Thereafter, his services were terminated orally. He had put in 240 days of continuous service in a year preceding the date of termination and, therefore, termination of his services without issuing any notice is contrary to the provisions of Section 25-F of the I.D. Act.

The 1st respondent-management filed counter before the Labour Court stating that the petitioner was never engaged by it at any point of time and there is absolutely no record available with it to show that the petitioner worked under it, and, hence, the question of termination of his services does not arise. Further, the claim of the petitioner is false and stale one, being filed after ten years of the alleged termination, and, hence, the same is liable to be dismissed.

Before the Labour Court, the petitioner-workman has been examined himself as WW-1 and he also examined WW-2 and marked Ex.W1. On behalf of the 1st respondent-management, MWs-1 and 2 were examined and Exs.M1 to M3 were marked.

After detailed consideration of both oral and documentary

evidence, the Labour Court came to the conclusion that the petitioner failed to establish that he worked continuously for 240 days under the management and, moreover, the dispute was raised after a lapse of more than nine years of the alleged termination, and, accordingly, dismissed the claim petition refusing to grant any relief. Aggrieved by the same, the present writ petition is filed.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side. Perused the impugned award and other material made available on record.

Even according to the petitioner, he was appointed on daily wage basis on 19.11.1981 and his services were terminated orally on 31.08.1982. Absolutely, no evidence either oral or documentary was placed before the Labour Court to establish that the petitioner had worked under the management for not less than 240 days in a year preceding the date of termination of his services. Under those circumstances, the Labour Court has rightly held that, since the petitioner failed to establish that he worked for 240 days continuously in a year preceding the date of termination, compliance of the provisions of Section 25-F of the I.D. Act does not arise. Further, even according to the petitioner, his services were terminated in the year 1982, but he approached the Labour Court after a lapse of more than nine years of the alleged termination and failed to explain the delay properly.

For all the above reasons, I am of the opinion that the petitioner's claim was not only a stale one, but was also devoid of any merits. Thus, the Labour Court has not committed any error in dismissing the claim petition filed by the petitioner and no interference can be made

into the impugned award, under Article 226 of the Constitution of India. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

12th September, 2007.
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